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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Thursday, April 7, 2005

A handwritten signature in black ink, appearing to read "Maria Meister".

Maria Meister

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

Daniel P. Otto, et al

SERIAL NO.: 10/749,716

FILED: December 31, 2003

FOR: Direct Measuring Loaded Gauge
Axe Apparatus for Track Strength
Testing

) Examiner: Max H. Noori

)

) Group Art Unit: 2855

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) Customer Number: 23644

)

I hereby certify that this correspondence is being transmitted to the above - identified examiner at the United States Patent and Trademark Office (703) 872-9314 on April 8, 2005

Name of person signing Maria Meister

Signature Maria Meister

RESPONSE TO OFFICE ACTION OF FEBRUARY 8, 2005

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action of February 8, 2005, applicant responds as follows:

The examiner submitted a restriction requirement delineating four inventions. Applicant admits that inventions are sufficiently interrelated and there should be no restriction requirement and therefore respectfully traverses the requirement. Applicants elect Group I, Claims 1-15 without prejudice.

April 8, 2005

Respectfully submitted,

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